

REMARKS

This Amendment is responsive to the Office Action mailed on September 8, 2004. Claims 1, 2, 4-8, 12-17, 20, and 22-24 are amended. Claims 1-24 are pending.

The Examiner has indicated that claims 15, 17-19, and 21-24 contain allowable subject matter.

The drawings have been objected to as the boxes labeled MS are not labeled descriptively and the designation MS is not mentioned in the specification. Applicant submits herewith replacement drawings for Figures 1, 3, 6-10 where the designation MS has been replaced with a reference numeral. Applicant respectfully submits that, contrary to the Examiner's assertions, the designation "MS" is mentioned in the specification at pages 15, 20, 23, and 27 and denotes "modulation stage". However, for consistency with the drawing changes, the term "MS" in the specification has been amended herein to reflect the reference numerals (17 or 17') added to the Figures. Withdrawal of the objections to the drawings is respectfully requested.

In addition, Figure 8 is amended to designate the switch for control signal S2A as switch S2, rather than as S1.

Claims 23 and 24 have been rejected as being indefinite. The claims are amended herein to overcome the indefiniteness rejection. Withdrawal of this rejection is respectfully requested.

Claims 1-14, 16 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hanner (US 4,479,079).

Applicant respectfully traverses these rejections in view of the amended claims and the following comments.

Discussion of Amended Claims

Claim 1 is amended to more clearly define the present invention.

Claims 15 and 17, which the Examiner has indicated contain allowable subject matter, are amended into independent form. Accordingly, claims 15 and 17, and all claims dependent

thereon, are in condition for immediate allowance.

Claims 2, 4-8, 12-14, 16, 20, and 22-24 are amended to conform to the language of amended independent claims 1 and 17 and to improve readability of the claims.

Discussion of Hanner

Claims 1-14, 16 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hanner. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Hanner does not meet the requirements for an anticipation rejection.

Hanner discloses an apparatus for varying the speed of a DC motor. In Hanner, the motor is provided with one winding connected on one side to brush Ba+ and on the other side brush Bb+. A second winding is connected on one side to brush Ba- and on the other side Bb-. In other words, in Hanner, each winding is connected to a first sliding contact and to a second sliding contact arranged opposite to this first sliding contact. Thus, the sliding contacts in the respective load branches are always opposite each other in Hanner. (Col. 3, lines 39-61; Figure 1).

The present invention as set forth in claim 1 provides a control device for a DC motor having at least four sliding contacts. With Applicant's claimed invention, alternate ones of the sliding contacts form a control group with a next following sliding contact and with a preceding sliding contact. For example, referring to Applicant's Figure 1, one control group may be formed by sliding contact 21, the next following sliding contact 23, and the preceding sliding contact 22; a second control group is formed by sliding contact 24 (which is an alternate one of the sliding contacts taken with respect to sliding contact 21), the next following sliding contact 22, and the preceding sliding contact 23. In contrast, in Hanner the control groups are formed by oppositely disposed sliding contacts (i.e., sliding contacts Ba- and Bb- and sliding contacts Ba+ and Bb+).

Further, with the present invention as set forth in claim 1, at least four windings are connectable to the at least four sliding contacts such that one of the windings is arranged between

subsequent sliding contacts. In contrast, in Hanner, the windings are arranged between opposing sliding contacts.

In addition, the control circuit of Applicant's claimed invention has at least two load branches, each of the load branches being associated with one of the control groups for feeding the windings associated with the sliding contacts of that one control group. In contrast, each load branch in Hanner feeds one winding which is connected to the two oppositely arranged sliding contacts.

Accordingly, Hanner does not disclose or remotely suggest the features of Applicant's amended claim 1.

As Hanner does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(b) are believed to be improper, and withdrawal of the rejections is respectfully requested. See, *Akamai Technologies Inc., supra*.

Applicant respectfully submits that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Hanner, taken alone or in combination with any of the other prior art of record.

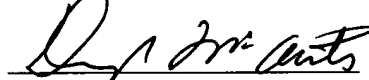
Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the foregoing discussion. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 102(b) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicant's undersigned attorney.

Respectfully submitted,



Douglas M. McAllister
Attorney for Applicant(s)
Registration No.: 37,886
Lipsitz & McAllister, LLC
755 Main Street
Monroe, CT 06468
(203) 459-0200

ATTORNEY DOCKET NO.: HOE-792
Date: February 7, 2005

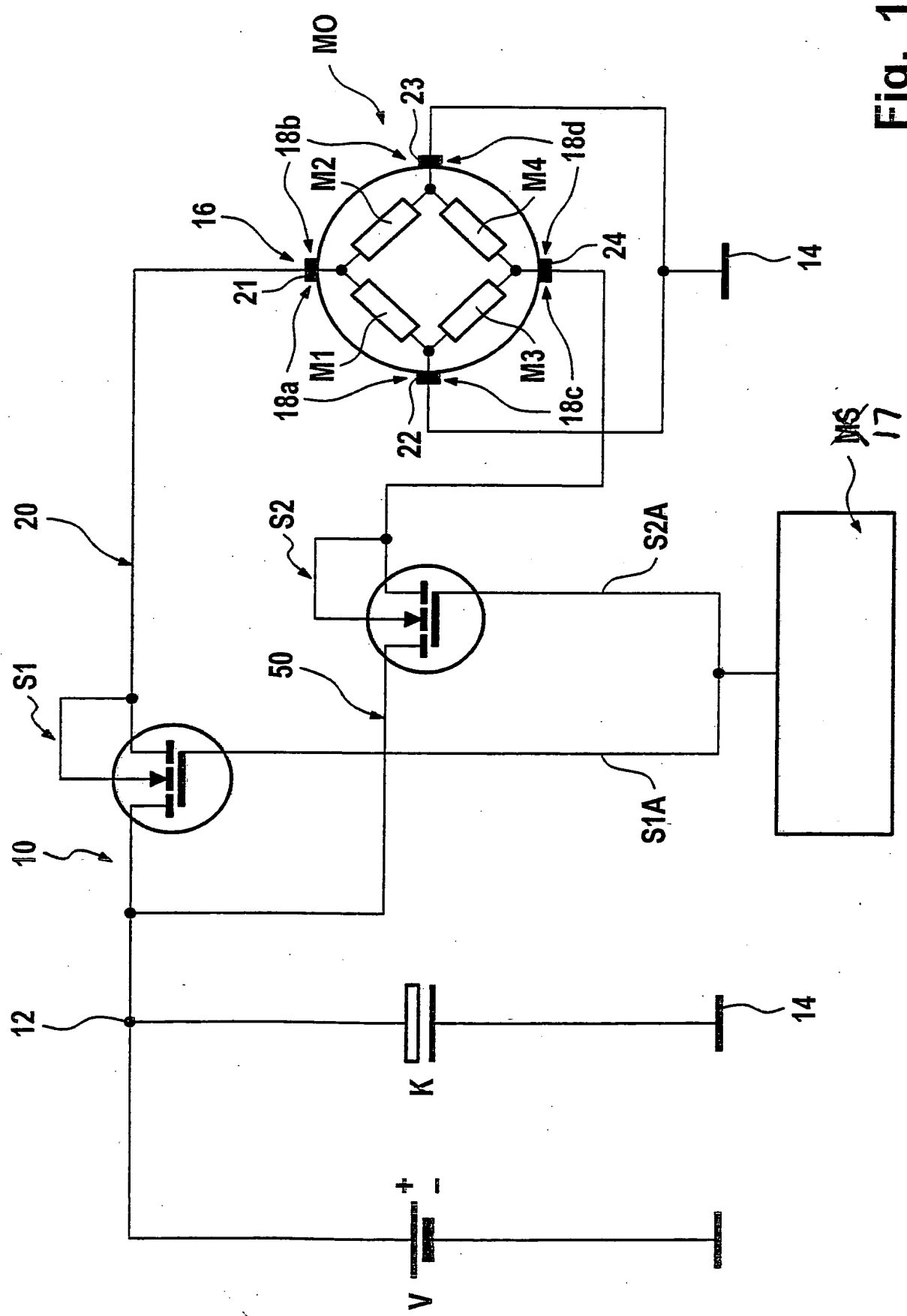


Fig. 1

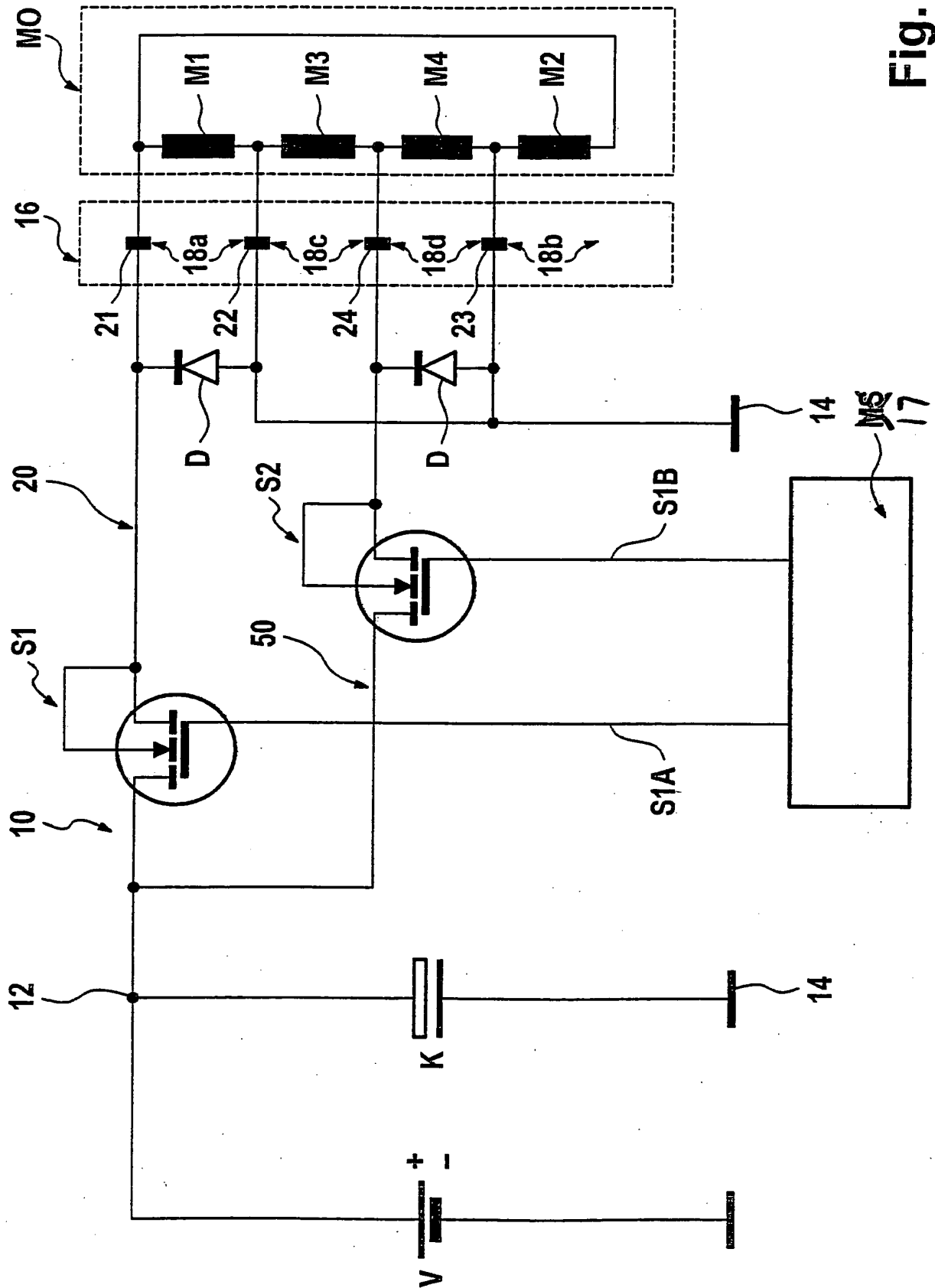


Fig. 3

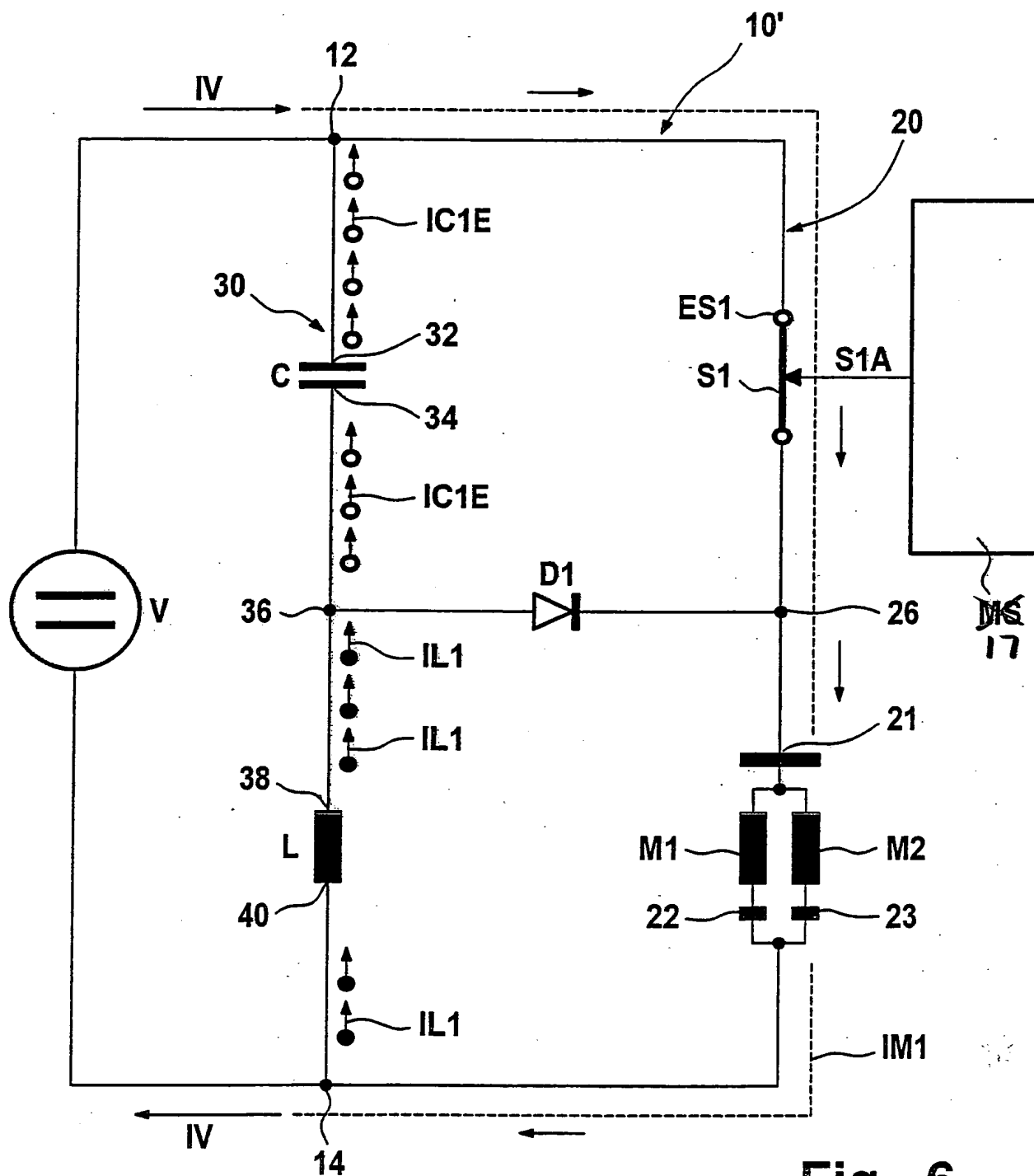
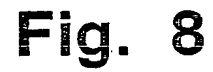


Fig. 6



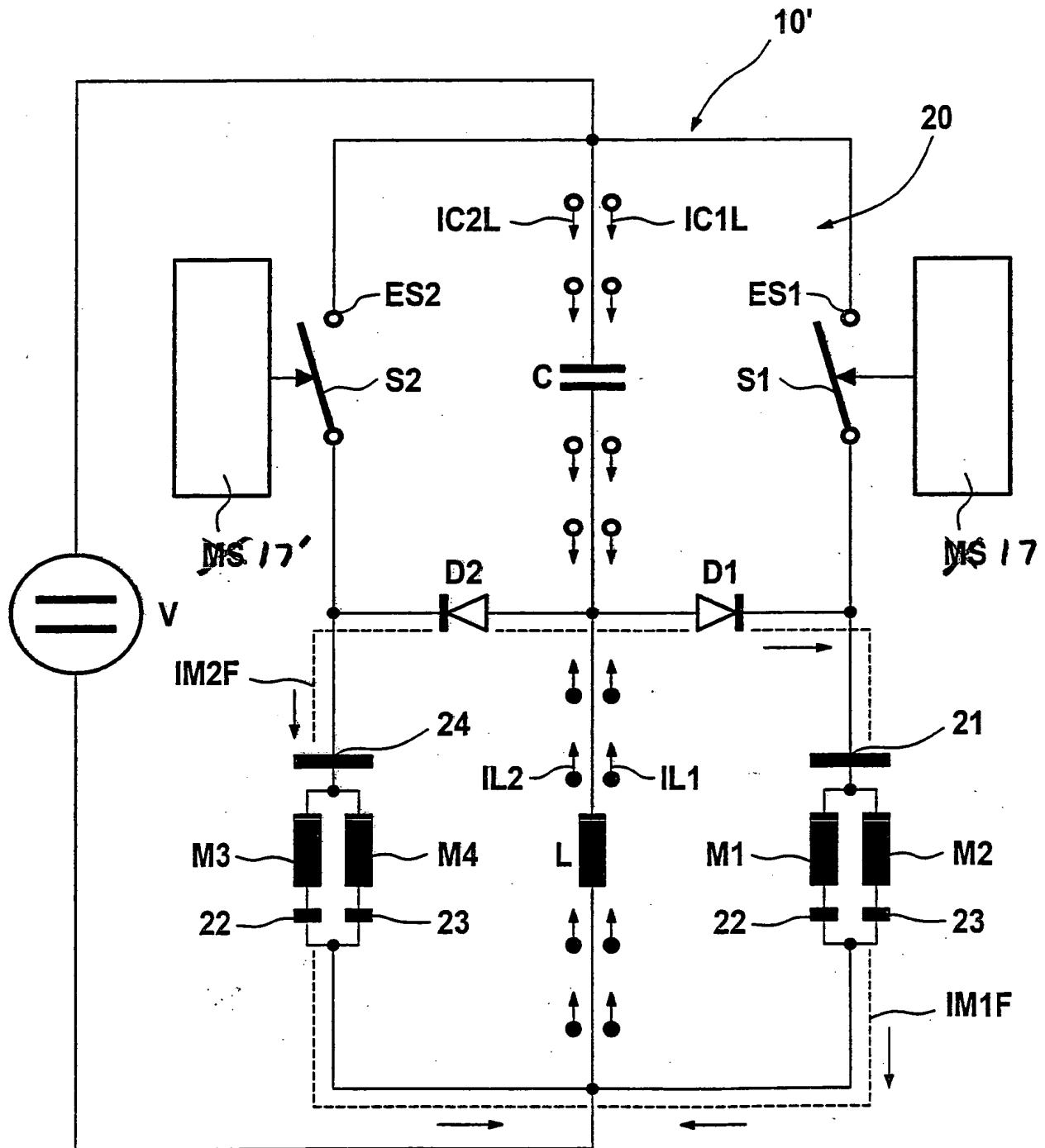


Fig. 9

9/12

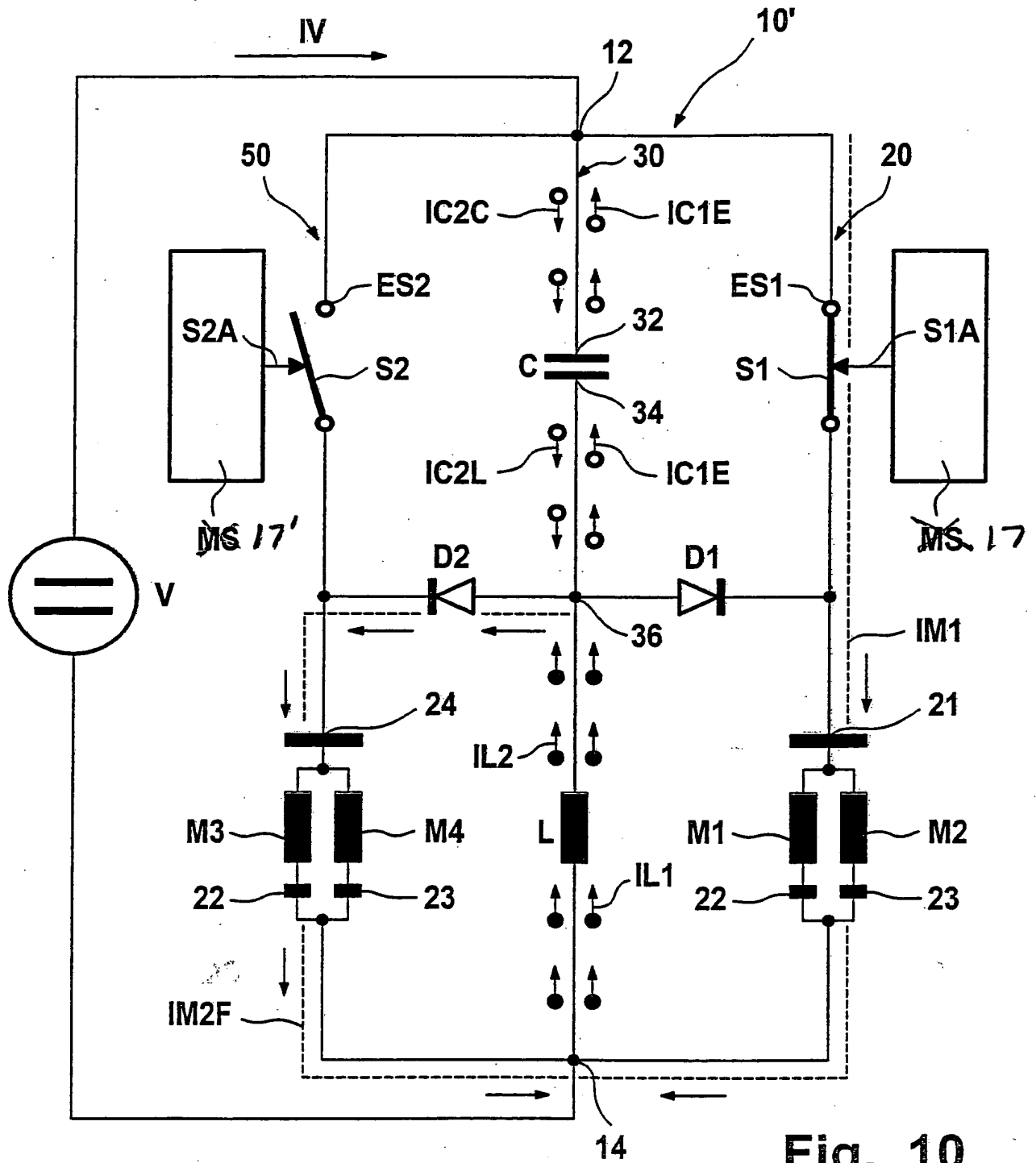


Fig. 10